



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

DENISE CARLON, ESQUIRE

KML LAW GROUP, P.C.

Sentry Office Plz

216 Haddon Ave.

Suite 406

Westmont, NJ 08018

dcarlon@kmllawgroup.com

Attorneys for Secured Creditor

Gulf Harbour Investments Corporation

In Re:

Brian Eric Blondek, Michele Christine Blondek

Debtors.

Order Filed on July 9, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-11547 KCF

Adv. No.:

Hearing Date: 3/27/19 @ 10:00 a.m.

Judge: Katherine C. Ferguson

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED

DATED: July 9, 2019

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtors: Brian Eric Blondek, Michele Christine Blondek

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**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor Gulf Harbour Investments Corporation, holder of a mortgage on real property located at 9 Belle Drive, West Long Branch, NJ 07764, Denise Carlon appearing, by way of objection to the confirmation of Debtors' Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and William H. Oliver, Esquire, attorney for Debtor, Brian Eric Blondek and Michele Christine Blondek, and for good cause having been shown;

It is **ORDERED, ADJUDGED and DECREED** Gulf Harbour Investments shall have a secured claim in the amount of \$10,000.00, which will be paid through Debtors' Chapter 13 plan as a secured claim; and

It is **ORDERED, ADJUDGED and DECREED** that Gulf Harbour Investments 's lien will only be stripped upon the payment of the \$10,000 secured claim, Debtors' receipt of their discharge, and completion of the Chapter 13 Plan. Any dismissal of the case or conversion to a Chapter 7 will result in a full reinstatement of the subject lien; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that the lien shall be released and extinguished upon the successful payment of the \$10,000 secured claim, completion of the Debtors' Chapter 13 plan, and issuance of a discharge; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that Gulf Harbour Investments shall file a release of the lien with the recorder of deeds in the County of Monmouth within 30 days of the date of the service of Debtors' discharge; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that in the event Gulf Harbour Investments fails to discharge the mortgage within the prescribed period, the Debtors and/or Debtors' counsel may record with the recorder of deeds a certified or exemplified copy of this order, along with a copy of the bankruptcy discharge order, which shall have the same force and effect of a discharge of mortgage; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that the balance of Gulf Harbour Investments 's claim in excess of the \$10,000 secured portion shall be allowed as a non-

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Debtors: Brian Eric Blondek, Michele Christine Blondek

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Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
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priority general unsecured claim and shall be paid as such in accordance with the Debtors' Chapter 13 Plan; and

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** Gulf Harbour Investments shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtors' Chapter 13 case or the conversion of the Debtors' Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that in the event that the property is destroyed or damaged, pursuant to the mortgage, Gulf Harbour Investments is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that in the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtors' completion of the Chapter 13 plan, Gulf Harbour Investments 's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that Gulf Harbour Investments shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge.

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** the Debtor retains the right to object to Gulf Harbour Investments 's claim, and

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that the Debtors complies with the disclosures set forth in 11 U.S.C. 521 (f); and

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that Gulf Harbour Investments 's objection to confirmation is hereby resolved.